IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP NO. 1167 of 2007

DATE OF DECISION:06.02.2007.

Kanta Devi and another ...Petitioners

Versus

Commissioner and others ....Respondents.

CORAM: HON'BLE MR.JUSTICE J.S. KHEHAR
HON'BLE MR. JUSTICE S.D. ANAND

PRESENT: Mr.G.L. Bajaj, Advocate
for the petitioners.

J.S. Khehar, J. (oral)

Through the instant writ petition, the petitioner is impugning the order passed by the Collector, Mansa, dated 28.12.2005 and thereafter the appellate order passed by the Commissioner, Faridkot Division, Faridkot, dated 23.8.2006, whereby the petitioner has been required to pay further registration charges. According to the determination of the authorities in the orders referred to hereinabove, the value of the land, transfer whereof was subject matter of consideration at the hands of the respondents, is higher than the one depicted in the transaction. The claim of the petitioner, on the contrary, is that the assessment of the value of the land, which is subject matter of transfer, has been inflated by the respondents.

It is, therefore, apparent that the determination on the issue,

canvassed by the learned counsel for the petitioner, namely, registration charges payable on the transaction, is based on a disputed question of fact i.e. the value of the property, which is subject matter of transfer. It is not for us to adjudicate upon such a controversy in exercise of our jurisdiction under Article 226 of the Constitution of India. We, therefore, while declining to entertain the claim of the petitioners, grant them liberty, if they be so advised, to pursue their claim before an ordinary civil Court.

The instant writ petition is disposed of in the aforesaid terms.

(J.S. Khehar)
Judge

(S.D. Anand)
Judge

February 06, 2007.
vig